

Talking Points
Questions

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 7
DATE 1.14.09
BILL NO. SB 8

1). Section 2(3) of the bill states that a proposed district "may include reservations, but only by cooperative agreement with a tribal government."

At the least, we would request the committee to amend this section to say that a district "may include territory within the external boundaries of a reservation, but only by cooperative agreement with a tribal government." If this were our only concern, we would simply request the amendment.

However, the bill in general allows a poorly defined entity to take on governmental power without appropriate safeguards or controls in the process. Especially if you compare the process described in this bill to the process under Montana law for water and sewer districts, you will see that here County Commissioners have no real control over the process.

Section 3(3) and Section 4, for example, do not allow the Commissioners to make any decision based on the hearing prior to calling for an election, only to check the application for completeness.

What would it mean for an authority to be formed with the purpose of managing water resources for recreational use? How would authorities formed to manage water resources relate to existing state water law and state/tribal water compacts?

Could such an authority apply for funding to purchase water rights for itself? What other kinds of "regional resources" might be involved? We feel that the bill needs to be much more specific as to what it would allow. As

written, the “self-government” powers of the proposed authorities could be far too expansive.

Many of the problems we³ see in the bill are probably the result of writing a general bill to address a specific need. However, tribal governments must be especially mindful of unintended consequences that have the potential to diminish tribal authority and self-government. Therefore, we must oppose SB 8 as presented.